

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----	X	
INDEPENDENT ASSET MANAGEMENT LLC )	)	Case No. 1:07-cv-06431-JSR
and OLA HOLMSTROM,	)	
	)	
Plaintiffs,	)	ECF
	)	
vs.	)	
	)	
	)	
DANIEL ZANGER,	)	<b>DEFENDANT'S NOTICE OF</b>
	)	<b>MOTION TO DISMISS THE</b>
Defendant.	)	<b>AMENDED COMPLAINT</b>
	)	
	)	
-----	X	

**PLEASE TAKE NOTICE** that upon the accompanying Declaration of defendant Daniel Zanger's ("Defendant") counsel, Matthew E. Szwajkowski, Esq., executed on November 6, 2007, the exhibit annexed thereto, the accompanying Memorandum of Law in Support Of Defendant's Motion To Dismiss The Amended Complaint, and upon all the prior pleadings, proceedings and matters of record in this case, by his attorneys, Jones Day, Defendant respectfully moves this Court for an order:

- (1) Pursuant to Federal Rule of Civil Procedure 12(b)(6) dismissing the claims set forth in the Amended Complaint; and
- (2) granting such other and further relief as the Court deems just and proper.

Pursuant to the schedule established by the Court, plaintiffs Independent Asset Management LLC and Ola Holmstrom shall serve their opposition papers on, or before, November 20, 2007. Defendants shall serve any reply on, or before, November 27, 2007. By

direction of the Court, oral argument will not be held.

Dated: November 6, 2007

Respectfully submitted,

*s/ Matthew E. Szwajkowski*

Thomas H. Sear (TS-5570)

Matthew E. Szwajkowski (MS-8362)

JONES DAY

222 East 41st Street

New York, NY 10017-6702

Telephone: (212) 326-3939

Facsimile: (212) 755-7306

mszwajkowski@jonesday.com

*Attorneys for Defendant Daniel Zanger*

**CERTIFICATE OF SERVICE**

The foregoing document was served on the following counsel of record on November 6, 2007 via the method listed below:

**E-Mail and Federal Express**

John Balestriere  
Craig Stuart Lanza  
Balestriere PLLC  
225 Broadway, Suite 2700  
New York, NY 10007  
clanza@balestriere.net

*s/ Matthew E. Szwajkowski*  
\_\_\_\_\_